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6 **UNITED STATES DISTRICT COURT**  
7 **NORTHERN DISTRICT OF CALIFORNIA**  
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12 **ANGIOSCORE, INC.,**

13 **Plaintiff,**

14 **v.**

15 **TRIREME MEDICAL, INC., et al.,**

16 **Defendants.**

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18 **Case No.: 12-CV-3393 YGR**

**ORDER DENYING AS MOOT MOTION TO  
DISMISS THIRD AMENDED COMPLAINT**

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On July 7, 2014, defendants filed a motion to dismiss certain claims in the Third Amended  
Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (Dkt. No. 230.) On July 8, 2014,  
the Court set a shortened briefing schedule for the motion to dismiss, requiring plaintiff to respond to  
the motion by July 15, 2014. (Dkt. No. 232 ("July 8 Order").)

On July 15, 2014, plaintiff filed its Fourth Amended Complaint pursuant to Federal Rule of  
Civil Procedure 15(a)(1)(B). (Dkt. No. 244.) In light of the filing of the Fourth Amended Complaint,  
the motion to dismiss is **DENIED AS MOOT**. The motion hearing set for July 29, 2014 is **VACATED**.

Defendants' request for the Court to grant their motion notwithstanding the filing of an  
amended pleading (Dkt. No. 245) is **DENIED**. Defendants appear to interpret the July 8 Order as  
having limited plaintiff to filing an opposition brief only, as opposed to some other type of response.

1 However, the July 8 Order merely "advance[d] briefing." (July 8 Order at 2.) It did not purport to  
2 abridge plaintiff's rights under Federal Rule of Civil Procedure 15.

3 Defendants' response to the Fourth Amended Complaint shall be filed no later than July 31,  
4 2014. If that response is a motion to dismiss, plaintiff's response shall be filed no later than August 8,  
5 2014. Any reply to a response shall be filed no later than August 15, 2014.

6 This Order terminates Docket No. 230.

7 **IT IS SO ORDERED.**

8 Dated: July 22, 2014  
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10 YVONNE GONZALEZ ROGERS  
11 UNITED STATES DISTRICT COURT JUDGE  
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